

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

JOSHUA DANIEL CRAFT,

Plaintiff,

v.

ANDREW M. SAUL,  
Commissioner of Social Security,

Defendant.

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Case No. 19-03188-CV-S-SRB-SSA

**ORDER**

Before the Court is *pro se* Plaintiff Joshua Daniel Craft's Request to Proceed *In Forma Pauperis* (Doc. #1) and Application for the Court to Request *Pro Bono* Counsel (Doc. #4). The motions are denied, and this case is dismissed.

Plaintiff filed this action on May 15, 2019, in the United States District Court for the Southern District of New York seeking review of the Social Security Commissioner's final decision denying his application for disability insurance benefits and/or supplemental security income benefits. Plaintiff's Complaint stated he was denied social security benefits in late 2017 and identified his address as Highlandville, Missouri. Given Plaintiff's residence in Missouri, the case was transferred to this jurisdiction. Magistrate Judge Rush issued a show cause order on June 11, 2019, directing Plaintiff to provide supplemental financial information and to "file a written response to this Order demonstrating that [Plaintiff's] request for review was timely filed[.]" (Doc. #7). Plaintiff filed a response to the show cause order including a completed financial affidavit and a one-sentence statement stating, "I filed my request for review by May 15, 2019." (Doc. #8, p. 1). Magistrate Judge Rush then transferred the case to the undersigned for dismissal for failure to state a claim.

Pursuant to § 1915(e)(2), the Court is required to conduct an initial review of a complaint to be filed *in forma pauperis*. In relevant part, the statute provides that “the court shall dismiss the case at any time if the court determines . . . (B) the action . . . (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. §1915(e)(2)(B). An action fails to state a claim upon which relief can be granted if it does not plead “enough facts to state a claim to relief that is plausible on its face.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). When reviewing a *pro se* complaint under § 1915(e)(2)(B), the Court must give the complaint liberal construction and must weigh all well-pleaded factual allegations in favor of the plaintiff. *Martin-Trigona v. Stewart*, 691 F.2d 856, 858 (8th Cir. 1982). However, even if the plaintiff is appearing *pro se*, his complaint must allege specific facts sufficient to state a claim. *Martin v. Sargent*, 780 F.2d 1334, 1337 (8th Cir. 1985) (citation omitted).

Pursuant to 42 U.S.C. § 405(g), a civil action seeking review of any final decision of the Commissioner of Social Security must be commenced within sixty days after the mailing of notice of such decision. By Plaintiff’s own admission, he received notice of a final decision more than one-and-a-half years ago. Accordingly, Plaintiff’s Complaint fails to state a claim on which relief may be granted.

For the foregoing reasons, it is hereby **ORDERED** that *pro se* Plaintiff Joshua Daniel Craft’s Request to Proceed *In Forma Pauperis* (Doc. #1) and Application for the Court to Request *Pro Bono* Counsel (Doc. #4) are denied, and this case is dismissed.

**IT IS SO ORDERED.**

/s/ Stephen R. Bough  
STEPHEN R. BOUGH  
UNITED STATES DISTRICT JUDGE

Dated: August 1, 2019